IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 240 of 2006(C)

PETITIONER:

K.RAJESH PAI, AGED 30, S/O.KRISHNA PAI,
UNNIYESHATHU HOUSE, ERUVA P.O. KAYAMKULAM.

BY ADV. SRI.S.SACHITHANANDA PAI

RESPONDENTS: 1

THE INSPECTING ASSISTANT COMMISSIONER,
COMMERCIAL TAXES, IDUKKI, KATTAPPANA.

BY G.P. SRI.MOHAMMED RAFIQ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: COPY OF LAND TAX RECEIPT NO.95930 DT.22.7.2002 ISSUED BY PAMBADUMPARA VILLAGE OFFICER.

P2: COPY OF LETTER DT.16.1.2004 ISSUED BY TAHSILDAR, UDUMBANCHOLA.

P3: COPY OF ROUGH SKETCH ISSUED BY TAHSILDAR, UDUMBANCHOLA.

P4: COPY OF CERTIFICATE DT.19.10.2004 ISSUED BY FOREST RANGE OFFICER, KUMILY.

P5: COPY OF DETAILS OF WOODEN LOGS ISSUED BY TAHSILDAR, UDUMBANCHOLA DT.14.1.2004.

P6: COPY OF RECEIPT FOR PAYMENT OF MONEY DT.20.10.2004 ISSUED BY RESPONDENT.

P7: COPY OF FORM NO.27A DT.29.10.2004 KEPT BY PETITIONER.

P8: COPY OF ORDER DT.27.9.2005 ISSUED BY RESPONDENT.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.240 of 2006

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Dated this the 15th day of June, 2007.

JUDGMENT

Heard counsel for the petitioner and Government Pleader. The petitioner is challenging Ext.P8 order whereunder the security collected for transport of timber without document is converted into fine. The amount involved is Rs.7,700/-. Counsel referred to the documents produced in the W.P. which go beyond doubt that the timber transported was cut from petitioner's property with the approval of revenue and forest officials and transported with a Forest Pass. The transport was for own use and petitioner is admittedly not a dealer of timber. In the circumstances, I allow the W.P. vacating Ext.P8 order with direction to the respondent to grant refund within one month from date of production of copy of this judgment.

C.N.RAMACHANDRAN NAIR
Judge

pms